

14<sup>TH</sup> JUDICIAL DISTRICT COURT

PARISH OF CALCASIEU

STATE OF LOUISIANA

2014 OCT -9 PM 5:28

JIMMIE CRAVEN

DOCKET NO.: 2014-4113

VS.

DIVISION: ALABORATORY CORPORATION  
OF AMERICA HOLDINGS, ET AL

DATE FILED: \_\_\_\_\_

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PETITION FOR DAMAGESp1  
CL

Petitioner, Jimmie Craven, an individual of the full age of majority domiciled in the  
Parish of Calcasieu, State of Louisiana, respectfully represents that: FILED Oct 7, 2014

Thermon A. CL  
Deputy Clerk of Court  
Calcasieu Parish, Louisiana

1.

Defendants, Laboratory Corporation of America Holdings, dba and/or LabCorp  
Houston ("collectively LabCorp") is a foreign corporation authorized to do business within  
the State of Louisiana, and Dr. M. Alan Hinton, an individual of the full age of majority  
domiciled in the Parish of Calcasieu, State of Louisiana, are liable unto your petitioner for the  
following reasons:

2.

On or about October 5, 2013, your petitioner sustained injuries to his knee while  
descending an escalator, for which injuries he was treated, and referred to be seen by Dr. Alan  
Hinton on the 7<sup>th</sup> day of October, 2013.

3.

When seen by Dr. Hinton, Mr. Craven's knee was swollen and very painful; at which  
time, Dr. Hinton drained synovial fluid from the right knee, and/or other fluids, and shipped  
such fluids to LabCorp to be tested.

4.

The sample described in the preceding paragraph was received by LabCorp on or  
about the 8<sup>th</sup> day of October, 2013, and at such time, testing was performed, which confirmed  
the presence of gram positive cocci.

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EXHIBIT

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5.

LabCorp did not report such results of the testing it had performed to Dr. Hinton, nor did he contact LabCorp to determine what the results were of such testing.

6.

On October 11, 2013, Mr. Craven returned to Dr. Hinton for a follow-up visit, at which time his knee was more swollen, and was more painful, at which time Dr. Hinton contacted LabCorp to determine the results of the testing that had been performed, and for the first time received the results from LabCorp, which confirmed the presence of infection in the knee, such that immediate surgery needed to be performed on Mr. Craven's knee that day.

7.

Mr. Craven's underwent surgery on his knee, but his recovery has been not nearly so good as it would have been had his knee not become so infected, and allowed to remain infected for a period of days.

8.

LabCorp was negligent in failing to report the positive findings of infection to Dr. Hinton, bring such to his attention, and due to its failure to do so, your petitioner sustained serious injuries in damages, including having to undergo unplanned, emergency surgery, failure to recuperate successfully and completely from such surgery, in a manner or time that he normally would have recuperated, and experiencing continuing difficulties that he would not have experienced had he undergone surgery earlier, and/or had the infection been addressed earlier upon the results of such testing being related to Dr. Hinton in a timely fashion.

9.

Alternatively, the injuries sustained by Jimmie Craven were caused by the fault of Dr. Hinton, and/or contributed to by the fault of Dr. Hinton in conjunction with the fault of LabCorp, in that Dr. Hinton should have informed the lab that the results were needed so quickly as possible and/or should have followed up to determine if the test results, or have in place and utilize established procedures to make sure that positive test results, particularly those indicating infection were brought to his attention much earlier, and addressed; or, prophylactic antibiotics should have been administered, along with other medications, that

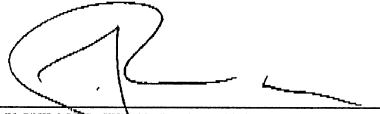
could have prevented injuries and long term consequences to Mr. Craven's knee regardless of when such test results were reported to Dr. Hinton.

10.

As a result of the foregoing, your petitioner has sustained injuries, which resulted in damages to him, which damages include the following: medical expenses; loss of wage earning capacity; increased disability; loss of enjoyment of life; physical pain and suffering; mental anguish, and fright and terror.

**WHEREFORE**, your petitioner prays that after due proceedings, there be judgment in his favor, and against the defendants, for damages as provided by law, all costs of these proceedings, interest from date of demand until paid, and for such other relief as may be appropriate under the circumstances.

**RESPECTFULLY SUBMITTED,**



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